

IN THE LAW COURT FOR SULLIVAN COUNTY
AT BRISTOL, TENNESSEE

FILED
12/22/22 2:48 pm
Bobby L. Russell
CIRCUIT COURT CLERK
SULLIVAN COUNTY, TN.

Tracy Peters, et ux.
Richard Peters

Plaintiffs,

v.

Case No. C16252(C)

Bath & Body Works, LLC
Serve: Registered Agent
CT Corporation System
300 Montvue Road
Knoxville, TN 37919-5546

Serve: Tennessee Secretary of State,
Tre Hargett
312 Rosa L. Parks Avenue, 6th Floor
Nashville, TN 37243

Defendant.

I HEREBY CERTIFY THIS
IS A TRUE AND CORRECT
COPY OF THE ORIGINAL
FILED IN THIS CAUSE
12/22/22 3:02 pm
Bobby L. Russell
CIRCUIT COURT CLERK

COMPLAINT

Plaintiffs would respectfully show unto the Court the following:

1. Plaintiff, Tracy Peters is a citizen and resident of Sullivan County, Tennessee residing at 1627 Edgemont Ave, Bristol, Tennessee and has been at all times pertinent hereto.
2. Plaintiff, Richard Peters is a citizen and resident of Sullivan County, Virginia residing at 1627 Edgemont Ave, Bristol, Tennessee and has been at all times pertinent hereto.
3. Plaintiffs, Tracy Peters and Richard Peters are married, and have been at all times pertinent hereto.
4. Defendant, Bath and Body Works, LLC is a domestic Tennessee corporation of Sullivan County, Tennessee at CT Corporation System 300 Montvue Road, Knoxville, Tennessee 37919-5546.

5. Defendant, Bath and Body Works, LLC, operated a store at 546 Pinnacle Parkway in Sullivan County, Bristol, Tennessee, 37620 on or about December 4, 2020 selling various Bath and Body Works products including but not limited to candles for home and commercial use.

6. On or about December 4, 2020, Tracy Peters patronized defendant, Bath and Body Works, LLC Store at 546 Pinnacle Parkway in Bristol, Tennessee, 37620 and purchased some candles from defendant, Bath and Body Works, LLC.

7. On or about January 28, 2021, Plaintiff, Tracy Peters was at her home at 1627 Edgemont Avenue in Sullivan County, Bristol, Tennessee when she heard one of the defendant's Bath and Body Works, LLC candles, she had recently lit, making a crackling sound and was reaching a large flame of a few feet tall.

8. On or about January 28, 2021, Tracy Peters, in a sense of urgency, grabbed the flaming candle, in attempt to prevent a house fire, to take it outside when, without warning, the candle exploded in her hands causing 1st and 2nd degree burns on her, head, face, hands, arms and upper torso along causing permanent disfigurement and injuries.

9. Defendant, Bath and Body Works, LLC was negligent in that it failed to adequately provide a safe product to Plaintiffs this and failed to adequately warn Plaintiffs. Defendant, Bath and Body Works, LLC failed to observe the common laws of the State of Tennessee, to wit:

- (1) Failure to provide a safe product; and
- (2) Failure to adequately warn of the dangers of the product.

10. Defendant, Bath and Body Works, LLC, was negligent in that it violated the following statutes of the State of Tennessee:

Tennessee Code Annotated § 47-2-316
Implied Warranty of Merchantability

- (1) Unless excluded or modified (§ 47-2-316), a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.
- (2) Goods to be merchantable must be at least such as:
 - (a) pass without objection in the trade under the contract description; and
 - (b) in the case of fungible goods, are of fair average quality within the description; and
 - (c) are fit for the ordinary purposes for which such goods are used; and
 - (d) run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and
 - (e) are adequately contained, packaged, and labeled as the agreement may require; and
 - (f) conform to the promises or affirmations of fact made on the container or label if any.
- (3) Unless excluded or modified (§ 47-2-316) other implied warranties may arise from course of dealing or usage of trade.

AND

Tennessee Code Annotated § 47-2-315

Implied warranty Fitness for particular purpose Exception for certain livestock.

Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose. With respect to the sale of cattle, hogs, sheep, and horses, there shall be no implied warranty that the cattle, hogs, sheep, and horses are free from disease.

11. That as a direct and proximate result of the statutory and common law negligence of Defendant, Bath and Body Works, LLC as stated above, Plaintiff, Tracy Peters suffered severe, painful and disabling injuries to her neck, back, head, brain damage, as well as other areas of her body. That these injuries have required medical treatment and have caused Plaintiff, Tracy Peters to incur and become liable for medical and other related expenses, including lost wages. That further as a result of these injuries, Plaintiff, Tracy Peters has suffered from physical pain, mental anguish, loss of ability to earn compatible

wages, the pleasures of life and she will continue to suffer from same in the future and be required to seek further treatment.

12. At the time of the accident, Plaintiff, Tracy Peters was 41 years old, with a life expectancy of 36.73 years (13,406.45 days) pursuant to Volume 13 of Tennessee Code Annotated.

13. As a direct and proximate cause of the statutory and common law negligence of the defendant, Bath and Body Works, LLC., as previously stated herein, plaintiff, Richard Peters has suffered loss of consortium of his wife (loss of society services and companionship) and will continue to loose same in the future from his wife, Tracy Peters.

WHEREFORE, Plaintiffs demand:

1. That service of process issue and be served upon the Defendant, Bath and Body Works, LLC, Registered Agent CT Corporation 300 Montvue Road Knoxville, TN 37919-5546.

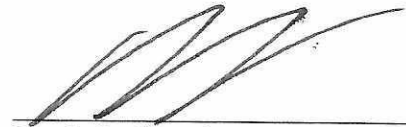
2. That service of process issue and be served upon the Defendant, Bath and Body Works, LLC, through the Tennessee Secretary of State, Tre Hargett 312 Rosa L. Parks Avenue, 6th floor Nashville, TN 37243.

3. That upon a hearing of this cause, Plaintiffs, Tracy Peters and Richard Peters be awarded a judgment against Defendants, jointly and individually, in the amount of two million dollars (\$2,000,000.00.)

4. For other further and equitable relief as the justice of Plaintiffs' cause requires.

Respectfully submitted,
Tracy Peters and Richard Peters

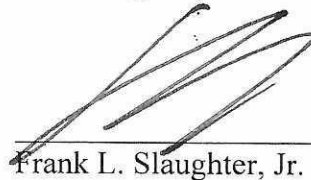
By Counsel



Frank L. Slaughter, Jr.
BPR # 018893
Attorney for Plaintiffs
the Slaughter Law Firm PC
324 6th Street
Bristol, Tennessee 37620
423/844/0560
423/764/0690 Fax
flsjrlaw@yahoo.com

COST BOND

I, Frank L. Slaughter, Jr. do hereby acknowledge myself as surety for costs.



Frank L. Slaughter, Jr.